

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

Individuals who have purchased the right to view DTV material for their own, non-commercial use should have the option to access said material after the initial screening. Whether the cause of the desired access to this material is to review it, or in some scenarios, such as emergencies which require an absence, or in others such as physiological conditions which render the purchaser of these viewing rights unable to personally and mentally recall programs which have been watched and purchased (for instance, alzheimer's victims/patients) to realistically view the material for the first time. Once the right to view the material is granted, provided the grantee does not invalidate the contract, the grantee should retain the right to enjoy the rights stipulated by the contract. Should the contract CLEARLY state that the use is a "One use license" there is a potential recourse in the grantor can deny the grantee permission to retain the material for review or for further personal use. This said, there is no plausible or justifiable rationale for a grantor to limit the "personal use" of media rights PURCHASED within the limitations defined by the grantor.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices? There are many circumstances which would render a purchaser of a license to view DTV material unable to view said material directly from the original source. The true question here is if a physical location (IP or other address) is the holder of the rights/privileges granted by the purchasing contract or if the rights are confined to a viewer on a once viewed then lost basis.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

The broadcast flag may limit some users ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard. Savvy users would, undoubtedly, find ways around such restrictions but not necessarily out of a desire to infringe on broadcasters rights.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

I am currently unable to appropriately answer this question without further thought.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

I am unqualified to answer this question in a quantitative manner.

Other Comments:

The principal of personal use of a "purchased right to intellectual property" should be indefinite in use. However, redistribution of said intellectual property, unless implicitly implied or denied should be governed according to a contract accepted by the purchaser. The purchaser of these rights should be afforded an educated opportunity to accept or

refuse the purchase of these rights to the material in question without having to dig deeply into fine print in a users agreement. A clear lable, such as exists on all video tapes, stating that said material is protected under specific laws and governed/investigated by certain agencies should be commonplace on all of the data in question. Likewise, individual purchasers should have the opportunity to accept or refuse terms of use prior to purchase.